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SIPDIS

SENSITIVE SIPDIS

FOR EUR/SE, EUR/PGI, G/TIP, INL/HSTC, G, DRL, PRM, IWI

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SUBJECT: GREECE PART 4: TIP REPORT SUBMISSION 2007

REF: A. 2006 State 202745

The following is Sensitive but Unclassified. Please Protect Accordingly.

12. (SBU) Below are Embassy AthenQ responses to the 2007 TIP report questionnaire. Text is keyed to Ref A request for "Protection and Assistance to Victims" Section. This is the fourth of four cables.

13. PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities?
If so, can post provide the number of victims placed in these care facilities?

Greece's 2002 anti-trafficking law and 2003 Presidential Decree call for comprehensive health services for victims, shelter, protection, and temporary relief from deportation at the prosecutor's request. The 2005 Immigration Law provides for centrally issued residence permits with no fee and a one-month reflection period for victims. The GoG reported that of the 83 victims identified in 2006, 39 accepted support and protection by the state. 37 were provided shelter and other victim care from state and/or NGO shelters, 22 were assisted in cooperation with IOM, and 34 received full victim's status by recognition of the TIP Prosecutor. Other victims contacted their embassies independent of GoG assistance and so are not included in these statistics. A number of victims identified in 2006 continued to be sheltered at NGO shelters. During 2006 the government granted 15 new and 24 renewed residence permits for TIP victims. (NGOs reported that, as occurs with residence permits granted to "normal" immigrants, there were sometimes months-long bureaucratic delays in the issuance of the residence/work permits which left the victims unable to seek work or travel.)

Through the MFA, information from all NGO-run shelters was provided for all victims hosted in 2006, including details of nationality, and dates of protection and services provided to victims over the past two years.

According to information from the MPO, the majority of the identified 48 victims in the first half of 2006 had legal documentation permitting them to reside in Greece, and did not request protection from the state. The police reported that the majority of victims departed for their native countries without government repatriation assistance and a small number remain in Greece. During 2006, IOM repatriated 28 victims and referred 10 other victims to shelters and Embassies. Of the 28 repatriated victims, 10 were from Moldova, 6 Russians, 5 Bulgarians, 1 Serbian, 2 Ukrainian, 1 Romanian, 1 Nicaraguan, 1 Guatemalan, and 1 Honduran. The NGO Solidarity repatriated 4 victims who were from Russia and Ukraine.

-- B. Does the government provide funding or other forms of support to foreign or domestic NGOs for services to Victims? Please explain.

In 2006 the GoG authorized approximately 1.5 million euros to a variety of NGO programs and projects, including shelters, legal assistance, conferences, trainings, and prevention in source countries. (See Prevention - D.) (Note: Please protect - Do not publish amount of GoG funding as it is not publicly released. End Note.)

-- C. Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

There is a screening process in place which effectively transfers persons identified by law enforcement authorities as victims of trafficking into protective state and/or NGO custody. The

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Memorandum of Cooperation now formally allows police to cooperate with NGOs, which has resulted in 38 victims being transferred from the police to NGO shelters. A problem still remains, however, in that NGOs report too many victims slip through the official police screening procedure and get sent to detention centers for deportation.

With the entry into force on January 1, 2006 of the Immigration Law, which provides for the reflection period, police now have more flexibility to send victims to protective custody. Police report using the government hotline to coordinate with NGOs on victim care.

In practice, the referral process operates most effectively when law enforcement officials are the first contact point for the victim. When NGOs are the first contact point, NGOs report that victims are not always entered into the protection system, possibly because there are not necessarily criminal charges associated with the case or because the NGO cannot convince the victim to seek protected status from the prosecutor or even because there is insufficient evidence for the victim to prove that she or he is in fact a trafficking victim and a negative conclusion by the prosecutor could leave the individual facing deportation charges with none of the protections afforded to recognized victims.

-- D. Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

In the past, victims who were arrested for immigration violations or prostitution were sometimes tried alongside their traffickers. Greek law does not yet exclude TIP victims from prosecution, but the prosecutor can and does grant this reprieve on a case-by-case basis, and the GoG reports that prosecutors did so with any and all crimes the 83 TIP victims identified in 2006 had "committed." The GoG reports that the Council of Europe Convention Against Trafficking in Human Beings which it signed on November 17, 2005 stipulates that victims not be tried for crimes committed during the course of their victimization, so once the Convention is ratified this "loophole," which is avoided in practice, will be closed. There were repeated complaints by NGOs that victims

continue to be tried for crimes committed during their victimization along side their victimizers.

-- E. Does the government encourage victims to assist in the investigation and prosecution of trafficking? May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country? Is there a victim restitution program?

The government's record on encouraging TIP victims to testify continues to be mixed. As in the U.S., the process of granting victim status and receiving a victim's work/residency permit is put into motion when victims agree to cooperate with authorities in the prosecution of their traffickers. Now that victims are being granted residency/work permits (MOI reports 39 issued or renewed in 2006) and with other victims already legally resident in Greece, more victims may remain in the country to testify when their traffickers come to trial. There is strong NGO support for some victims during court cases, and all NGO representatives who have been present at trials state that without such support, many victims would be emotionally unable to testify. Prosecutors have told us informally that it would be illegal under Greek law to provide the proceeds of criminal enterprises to TIP victims. Traffickers have been released pending trial in order for the courts to "track down" witnesses in their home countries.

-- F. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or any other benefits to victims for housing or other resources in order to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care type systems or juvenile justice detention

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centers)?

The law on Organized Crime (2928/2001) provides for witness protection. If the victim is a witness to a crime that is not organized crime, the MPO reports that the police will protect the victim with an order of the prosecutor. In practice, NGOs report that some identified and sheltered victims receive threats from their traffickers and need better protection. NGOs who run shelters did not complain of inadequate security or police protection provided to the shelter in 2006. NGOs, especially those who do street work, victim support and/or attend trials, report that they were threatened by traffickers.

Child victims are officially turned over to the prosecutor for children, but there are no specialized shelters for child TIP victims so they are typically sheltered in orphanages, in a separate section of an adult detention center or other state institutions. The bilateral agreement with Albania signed in February 2006 but not yet ratified by the Parliament details comprehensive child protections. MFA officials assert that despite not yet being ratified, they are following the terms of the protocol in any instances of child repatriation. In at least one adult detention center where children are kept, the children are held in cells, just as adults are.

-- G. Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

The GOG provides anti-TIP training for police at all levels, including retraining and lifelong training of police personnel. Child anti-trafficking NGOs have presented information to police on the special needs of child trafficking victims independently and at the seminars noted above. The MPO issued a directive to all police

in December reinforcing how to recognize, question, and assist victims of TIP. The MFA charges its embassies and consulates with some monitoring of source country NGOs that are partners with Hellenic Aid funded NGOs and therefore funding from the GoG and holds regular meetings with diplomatic representatives from TIP source countries in Athens.

-- H. Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

Not applicable - Greece is not a source country for TIP victims.

-- I. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

--International Organization for Migration (IOM): coordination with the GoG on repatriation of victims; conducts seminars and trainings for authorities, NGOs, social workers, police prosecutors, and the diplomatic corps; creates public awareness programs; coordinates diplomatic/NGO/GoG "Working Group." IOM has excellent cooperation with local authorities and receives GoG funding. It signed the MOC with the Interministerial Council.

--Stability Pact Thessaloniki Office (SPOT): Regional TIP initiatives, holding a regional organized crime conference, which included a TIP workshop.

--European Network of Women (ENOW): multilingual victims' hotline, operation of a shelter including provision of food and clothing, psychosocial victim support, legal support and advocacy, family contact public awareness, lobbying. ENOW has good cooperation with local authorities and receives GoG funding. It signed the MOC with the Interministerial Council.

--Greek Council for Refugees (GCR): legal support and advocacy,

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family contact, seminars and trainings. GCR has good cooperation with local authorities, receives GoG funding, and signed the MOC with the Interministerial Council.

--International Society for the Support of Families (DESO): operation of three shelters including provision of food and clothing, medical and psychological and psychiatric support, lobbying. DESO has some cooperation with local authorities, received GoG funding and in-kind donation of the shelter buildings. DESO signed the MOC with the Interministerial Council.

--Center for the Rehabilitation of Victims of Torture (CRTV): shelter, psychosocial and psychiatric support, legal support, lobbying. CRTV has good, ad hoc cooperation especially with local police authorities, receives victim referrals directly from police, and is authorized GoG funding.

--Nea Zoi/Association for the Support and Restoration of Individuals in Prostitution: street work, brothel visits, victim identification through street work and visits to detention centers, victim support, lobbying. Nea Zoi plans to sign the MOC with the Interministerial Council in 2007. Nea Zoi attends "Working Group" meetings.

--Greek Helsinki Monitor (GHM): advocacy, Publications, lobbying. Poor relationship with GoG, outspoken critic of GoG efforts on TIP and other human rights issues.

--Association for the Social Support of Youth (ARSIS): victim identification, coordination with Terre des Hommes in Albania on child victims, public awareness, lobbying, based in Thessaloniki. ARSIS has good cooperation with authorities and has done outreach to provincial police. ARSIS receives GoG funding and will implement part of the \$600,000 TACT project in Albania. ARSIS signed the MOC with the Interministerial Council.

--Smile of the Child: shelters for primarily Greek children, public

awareness, lobbying. Excellent cooperation with authorities, signed the MOC with the Interministerial Council.

--Center for Research and Support for Victims of Maltreatment and Social Exclusion (CVME or "EKYTHKA" in Greek): shelter, psychosocial and legal support to victims, lobbying. Good cooperation with authorities, receives GoG funding, signed the MOC with the Interministerial Council.

--Klimaka-Agency for the Development of Human and Social Capital: shelters, psychiatric and social support to victims, vocational training and activities in shelters, public awareness, lobbying. Excellent cooperation with authorities; receives victim referrals directly from police, receives GoG funding, signed the MOC with the Interministerial Council.

--Solidarity (NGO of the Greek Orthodox Church): shelter, excellent cooperation with authorities, received no GoG funding in 2006 signed the MOC with the Interministerial Council.

--ACT UP: STD and HIV screening, street work, victim identification, support, and referral, lobbying. Good cooperation with GoG despite criticism of GoG, receives GoG funding.

--Mediterranean Women's Studies Center (KEGME): seminars and training for police personnel in Albania. Receives GoG funding, and provides good cooperation with GoG.

--European Constitution Law Center: training of justices in Albania with MFA funds

--Human Rights Defense Center (KEPAD): coordination of Ariadne Regional Network, Greece/TIP working group at the UN. Excellent cooperation with GoG, receives GoG funding, signed MOC with Interministerial Council.

--The International Police Association (IPA): training seminars for Serbian police on TIP. Excellent cooperation with authorities, (IPA members are Hellenic National Police), receives

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GoG funding, Qgned MOC with Interministerial Council.

--Agapi: Thessaloniki-based social organization sponsored a TIP awareness-raising event for 200 members of the general public in February 2006. GoG officials responsible for TIP, police, NGO reps, and others presented information on the TIP phenomenon to students and citizens.

--STOP NOW: Formerly focused on public awareness-raising. While members still attend TIP-related meetings, such as the "Working Group," the NGO has no funding or current projects. Limited cooperation with GoG, signed MOC with Interministerial Council. This NGO suspended action in 2006 because it did not receive any government funding.

--Caritas Greece (NGO of the Catholic Church): Primarily works with refugees, feeding program, legal support. Caritas conducted a TIP public awareness poster campaign in 2006 with a picture of a young girl turned away and the message: "Trafficking: Don't turn your back on Modern-day Slavery... it is of immediate concern!! Every year it is estimated that 700,000-4,000,000 people in the world are BOUGHT, SOLD, MOVED, AND IMPRISONED against their will!" The poster also provided Caritas contact information.

Other NGOs work on various TIP issues.

TIP CONTACT

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